

April 5, 2002

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION**

**SUBJECT:** Department of Development and Environmental Services File No. **L00P0013**  
Proposed Ordinance No. 2002-0085

**ALLIED HOMES & DEVELOPMENT, INC.**  
Preliminary Plat Application

**Location:** North of the intersection of South 120<sup>th</sup> Street and 68<sup>th</sup> Avenue S.

**Applicant:** Allied Homes and Development, Inc.,  
*represented by* **David Wu**  
TSE Engineering  
6620 South 120<sup>th</sup> Street  
Seattle, WA 98178  
Telephone: (206) 227-6760

**King County:** Department of Development and Environmental and Services,  
Current Planning Section,  
*represented by* **Trishah Bull**  
900 Oaksdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-6758  
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**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	April 4, 2002
Hearing Closed:	April 4, 2002

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**KEY WORDS:**

- Subdivision
- Drainage
- Recreation area

**SUMMARY:**

Grants preliminary approval to a proposed subdivision of 1.24 acres into seven single-family residential building lots in the Highline/West Hill community planning area of unincorporated King County.

**FINDINGS OF FACT:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. **Proposal.** Wallace Mok of Allied Homes and Development, Inc. (“Applicant”), proposes to subdivide a 1.24 acre parcel in the West Hill vicinity of the Highline community planning area into seven single-family residential building lots. The proposed development includes tracts for sensitive areas protection and recreation. The proposed density of 5.6 dwelling units per acre, with lot sizes ranging from 3,900 to 4,800 square feet, falls within the required density range of the R-8 zoning classification.

2. **General Information.**

Owner/Developer: Wallace Mok  
Allied Homes & Development, Inc.  
6620 S 120<sup>th</sup> Street  
Seattle, WA 98178  
(425) 391-4692

Engineer: Philip Cheesman, Engineer  
Penhallegon Associates Consulting Engineers, Inc.  
750 Sixth Street S  
Kirkland, WA 98033  
(425) 827-2014

STR: 11-23-04

Location: Directly north of S 120<sup>th</sup> Street and west of 68<sup>th</sup> Avenue S.

Zoning: R-8-P-SO

Acreage: 1.24

Number of Lots: 7

Density: 5.6 units per acre

Lot Size: Ranges from approximately 3,900 to 4,800 square feet with one lot exceeding 6,000 square feet.

Proposed Use: Single-family detached dwellings

Sewage Disposal: Bryn Mawr – Lakeridge Water & Sewer District

Water Supply: Bryn Mawr – Lakeridge Water & Sewer District

Fire District: King County District #20

School District: Renton #403  
Complete Application Date: June 29, 2000

3. **State Environmental Policy Act.** On February 12, 2002, the Department issued a mitigated threshold determination of non-significance (MDNS) regarding the proposed development. The MDNS requires wetland and wetland buffer restoration (pursuant to a grading code enforcement action pending) and construction of a minimum six foot high split rail wood fence, to be constructed along the new wetland buffer edge. No person, agency, tribe or other entity appealed the MDNS. The Department's environmental review record is incorporated in this hearing record.
4. **Department recommendation.** The Department recommends granting preliminary approval to the proposed plat of Allied Homes and Development, Inc., subject to the 20 conditions of final approval stated on pages 6 through 9 of the Department's preliminary report (exhibit no. 2), *except* for the following changes:
  - a. **Revised preliminary plat drawing.** The Department's preliminary report was prepared based upon the Applicant's preliminary plat drawing of December 19, 2001 (exhibit no. 7). Since publication of the Department's preliminary report, the Applicant has submitted a revised preliminary plat drawing, received by the Department March 20, 2002 (exhibit no. 18). The Department's final recommendation and the examiner's recommendation which follows below are both based upon exhibit no. 18.
  - b. **Access to proposed lot nos. 1 and 2.** Due to the Applicant's recent revision to the preliminary plat drawing (exhibit no. 18) a jointly owned access tract for proposed lot nos. 1 and 2 is no longer necessary. For that reason, recommended condition no. 12 on page 7 of the Department's preliminary report is *deleted*.
3. **Applicant response.** The Applicant accepts the Department's final recommendation as described in finding no. 4, preceding.
4. **Further refinements.** The Department and the Applicant continue to discuss the following aspects of the proposed development:
  - a. **Recreation area.** The Applicant and the Department agree that the "play space" depicted in the preliminary plat drawing (exhibit no. 18) as 400 square feet, will be expanded to comprise a larger portion of proposed tract A in order to achieve compliance with KCC 21A.14.180 through --.190 and condition nos. 16 and 17 on page 8 of this report and decision. No changes in recommended condition nos. 16 and 17 are required.
  - b. **Drainage.** Condition no. 6. d requires level 2 flow control. It also allows for "alternative retention/detention design or monitoring contribution to a regional facility" in lieu of level 2 flow control. The Department suggests that the drainage retention/detention standard may be reduced to level 1 flow control if the King County Department of Natural Resources (Water and Land Resources Division) and the Applicant agree to an appropriate monetary contribution to a downstream regional facility to be constructed soon. The Applicant wishes to further investigate and negotiate that option. No change in recommended condition no. 6. d is required to permit that.
3. **Public participation.** No person, other than those persons representing the Department and the Applicant, appeared to testify on this matter.

8. **Department report adopted.** Except as noted above, the facts and analysis contained in the Department's Preliminary Report dated March 21, 2002 are correct and are incorporated here by reference. A copy of the Department's report will be attached to those copies of the examiner's report which are submitted to the King County Council.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe waling conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

#### DECISION:

The proposed plat of Allied Homes and Development, Inc., as described by the Applicant's preliminary plat drawing received by the Department of Development and Environmental Services on March 20, 2002 (exhibit no. 18) is **GRANTED PRELIMINARY APPROVAL**; *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King

County Code.

6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.
  - d. The stormwater detention facility shall be designed using the Level II Flow Control Methodology in the 1998 King County Surface Water Design Manual (KCSWDM) unless otherwise approved. The King County Water and Land Resources Division (WLRD) is proposing regional stormwater detention facilities downstream from this site and in the Taylor Creek Basin. WLRD and DDES may consider alternative retention/detention design or monetary contribution to a regional facility for this subdivision. WLRD and DDES shall approve any alternative retention/detention design prior to engineering plan approval.
  - e. Drainage Adjustment L01V0002 is approved for this subdivision. All conditions of approval for this adjustment shall be met upon submittal of the engineering plans.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
  - a. The internal access road shall be improved to the urban minor access street standards.
  - b. FRONTAGE: The frontage along South 120<sup>th</sup> Street shall be improved to the urban neighborhood collector standard. Driveway access to proposed Lot 1 off South 120<sup>th</sup> Street is permitted.
  - c. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.08 of the KCRS.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the

King County Council prior to final plat recording.

9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. There shall be no direct vehicular access to or from 68<sup>th</sup> Avenue South from those lots that abut it, with the exception of Lot 7. A note to this effect shall appear on the engineering plans and final plat.
12. DELETED
13. The planter islands (if any) within the turn-arounds shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
14. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
15. Preliminary plat review has identified the following specific requirements, which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

#### **Wetlands**

- a. The Class 2 wetland shall have a 50-foot buffer of undisturbed vegetation as measured from the wetland edge.
- b. Buffer width averaging may be allowed by King County if it will provide additional protection to wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease. To ensure wetland and buffer functions are enhanced a buffer planting mitigation plan shall be required for the remaining on-site buffer area. A buffer enhancement plan shall be submitted for review during final engineering review.
- c. Sensitive Area Tract(s) shall be used to delineate and protect sensitive areas and buffers in

development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.

- d. As proposed on preliminary plan set dated December 19, 2001 an area of buffer, north of lots 2 and 3, shall be restored to its original grade and replanted. A final plan shall be submitted and reviewed during final engineering review. This may be incorporated within the buffer enhancement/mitigation plan as stated in Condition 2 above.
- e. A financial guarantee/bond shall be required for all proposed wetland/buffer mitigation. The bond amount shall include all components of the mitigation plan including, but not limited to, plantings, grading, fencing, signs, inspections, and monitoring for five years.
- f. Prior to commencing construction activities on the site, the applicant shall mark Sensitive Area Tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
- g. Prior to final approval of construction activities on the site, the boundary between the Sensitive Area Tract(s) and adjacent land shall be identified using a split-rail fence and permanent signs. Fence and sign specifications shall be shown on final engineering plans.
- h. Wetland hydrology analysis may be needed during final engineering review to ensure wetland hydrology will be maintained post development.
- i. Prior to final recording and or during final engineering review, the plan set shall be routed to the sensitive areas group for review and approval.
- j. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT). Buffer averaging may be proposed, pursuant to KCC 21A.24.320, provided the total amount of the buffer area is not reduced and better resource protection is achieved,-subject to review and approval by a DDES Senior Ecologist. A minimum building setback line of 15 feet shall be required from the edge of the tract.

#### **Alterations to Streams or Wetlands:**

- k. If alterations of streams and/or wetlands are approved in conformance with KCC 21A.24, then a detailed plan to mitigate for impacts from that alteration will be required to be reviewed and approved along with the plat engineering plans. A performance bond or other financial guarantee will be required at the time of plan approval, to guarantee that the mitigation measures are installed according to the plan. Once the mitigation work is completed to a DDES Senior Ecologist's satisfaction, the performance bond may be replaced by a maintenance bond for the remainder of the five-year monitoring period to guarantee the success of the mitigation. The applicant shall be responsible for the installation, maintenance and monitoring of any approved mitigation. The mitigation plan must be installed prior to final inspection of the plat.

#### **Geotechnical:**

- l. The applicant shall have a geotechnical engineer evaluate the foundation suitability of uncontrolled fill during engineering review. In addition, a detailed retaining wall plan, showing all cuts and fill shall be submitted during engineering review. The foundation

evaluation and detailed retaining wall plan shall be submitted and approved by a DDES geologist.

- m. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

16. A fee-in-lieu of recreation space shall be paid by the applicant to King County. The amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 21A.14.185.
17. Suitable recreation space (minimum 400 square feet) shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. A detailed recreation space plan (i.e., area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plan.
  - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
19. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
- c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 68<sup>th</sup> Avenue South and/or South 120<sup>th</sup> Street are on a bus route. If 68<sup>th</sup> Avenue South and/or South 120<sup>th</sup> Street are on a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

20. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with this item prior to final approval:
- 1. The grading violation shall be corrected by a full restoration of the on site wetland and its buffer within one year from the date of the grading permit issuance.
  - 2. A minimum 6-foot high split rail wood fence shall be constructed along the new wetland buffer edge. The fence shall be continued along the recreation tract boundaries to mitigate any potential safety issues due to grade differences. This fencing along the recreation tract combined with the landscaping requirement will enhance safety due to grade differences. The fence may be continued along the eastern boundary of the plat to provide buffer separation between the residential zone and the adjacent commercial zone. The fencing detail and final location shall be reviewed and approved by the DDES Senior Ecologist prior to the final plat approval.

ORDERED this 5th day of April, 2002.

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R.S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 5th day of April, 2002, to the parties and interested persons of record:

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MS OAK-DE-0100

Bruce Whittaker  
DDES/LUSD  
Engineering Review  
MS OAK-DE-0100

#### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before April 19, 2002***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before April 26, 2002***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE APRIL 4, 2002 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT  
AND ENVIRONMENTAL SERVICES FILE NO: L00P0013.

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Trishah Bull and Bruce Whittaker. Participating in the hearing and representing the Appellant was David Wu. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0013
- Exhibit No. 2 DDES Preliminary Report dated April 4, 2002
- Exhibit No. 3 Application dated May 10, 2000
- Exhibit No. 4 Environmental checklist received at DDES on May 10, 2000
- Exhibit No. 5 Mitigated Declaration of Non-significance dated February 12, 2002
- Exhibit No. 6 Affidavit of Posting indicating July 13, 2000 as date of posting and July 19, 2000  
As the date the affidavit was received by DDES. Notice of Application
- Exhibit No. 7 Plat map dated December 19, 2001
- Exhibit No. 8 Land use Map, Kroll pages 316E and 317W
- Exhibit No. 9 Assessors maps NE 11-23-04, SE 11-23-04, NW 12-23-04 and SW 12-23-04
- Exhibit No. 10 Technical Information Report by Pace dated May 3, 2000
- Exhibit No. 11 Off-site drainage report by Pace dated November 13, 2000
- Exhibit No. 12 Geotechnical engineering evaluation by PanGeo dated June 1, 2000
- Exhibit No. 13 Supplemental geotechnical evaluation by PanGeo dated August 18, 2000
- Exhibit No. 14 Wetland report by Adolfson dated January 12, 2001
- Exhibit No. 15 Buffer mitigation plan by Adolfson dated December 11, 2001
- Exhibit No. 16 Memo from King County Parks Department to Dave Sandstrom dated  
December 18, 2000
- Exhibit No. 17 L01VA0002-SWM Adjustment, decision dated July 19, 2001
- Exhibit No. 18 Revised plat map received March 2002